

7. Section 1171.3(b) is proposed to be revised to read as follows:

§ 1171.3 Procedures used generally.

(b) Under the statute, the carriers covered must have a copy of a valid certificate of registration in any vehicle providing transportation within the scope of the statute.

8. Sections 1171.6(b) (2) and (c) are proposed to be revised to read as follows:

§ 1171.6 Commission review of the application.

(b) * * *

(2) If the employee board grants all or part of the application, the Commission will issue a certificate of registration authorizing specified operations provided that applicant has demonstrated compliance with:

- (i) 49 CFR Part 1044 (designation of process agent); and
- (ii) 49 CFR Part 1043 (Insurance).

If applicant has not complied with these requirements, the Commission will issue a notice stating that a certificate of registration will be issued upon such compliance. No certificate of registration shall be issued prior to compliance.

(c) If the Department of Transportation intervenes under 49 CFR 1171.3(d), the proceeding will be decided by the Commission. If the Commission grants all or part of the application, it will issue a certificate in accordance with the procedure described in 49 CFR 1171.6(b)(2).

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 90637-9137]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce issues a preliminary notice of change in the total allowable catch (TAC), allocations, and quotas for the Atlantic and Gulf of Mexico migratory groups of king and Spanish mackerel in accordance with the framework

procedure of the Fishery Management Plan for the Coastal Migratory Pelagic Resources (FMP). This notice proposes (1) for Gulf and Atlantic migratory groups of king mackerel, increases in TAC, allocations, and quotas; and (2) for Gulf and Atlantic migratory groups of Spanish mackerel, increases in TAC and allocations. The intended effects are to protect the mackerels and continue stock rebuilding programs while still allowing catch by the important recreational and commercial fisheries that are dependent on these species.

DATE: Written comments must be received on or before June 21, 1989.

ADDRESS: Comments may be mailed to Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3722.

SUPPLEMENTARY INFORMATION: The mackerel fisheries are regulated under the FMP, as amended, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR Part 642.

In accordance with § 642.27, the Councils appointed an assessment group (Group) to assess on an annual basis the condition of each stock of king and Spanish mackerel in the management unit, to report its findings, and to make recommendations to the Councils. Based on the Group's 1989 report and recommendations, advice from the Mackerel Advisory Panels and the Scientific and Statistical Committees, and public input, the Councils recommended to the Director, Southeast Region, NMFS (Regional Director), changes to TACs, allocations, and quotas.

Specifically, the Councils recommended that, effective with the fishing year beginning July 1, 1989, annual TACs be set at 4.25 million pounds (m. lbs.) for the Gulf migratory group of king mackerel and 5.25 m. lbs. for the Gulf migratory group of Spanish mackerel. The Councils further recommended that, effective for the fishing year which began April 1, 1989, annual TACs be set at 9.00 m. lbs. for the Atlantic migratory group of king mackerel and 6.00 m. lbs. for the Atlantic migratory group of Spanish mackerel. All TACs are within the range of acceptable biological catch determined by the Group.

Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of each TAC and the Gulf king mackerel

commercial allocation is divided into quotas for eastern and western zones. Under the fixed percentages and the proposed TACs, these allocations and quotas would be as follows:

Species	Million pounds
Gulf King Mackerel—TAC	4.25
Recreational allocation (88%)	2.89
Commercial allocation (32%)	1.36
Eastern zone (69%)	0.94
Western zone (31%)	0.42
Gulf Spanish Mackerel—TAC	5.25
Recreational allocation (43%)	2.26
Commercial allocation (57%)	2.99
Atlantic King Mackerel—TAC	9.00
Recreational allocation (62.9%)	5.66
Commercial allocation (37.1%)	3.34
Atlantic Spanish Mackerel—TAC	6.00
Recreational allocation (24%)	1.44
Commercial allocation (76%)	4.56

The recreational fishery is regulated by both allocations and bag limits. The Councils recommended no changes in the bag limits applicable to the Gulf and Atlantic groups of king mackerel. For Spanish mackerel, the Councils recommended that the bag limits applicable to the eastern area of the Gulf migratory group and the southern area of the Atlantic migratory group (together, the two areas constitute the exclusive economic zone (EEZ) off Florida) be set at the number (not to exceed ten) proposed by the Florida Marine Fisheries Commission (FMFC) for Florida's waters for the 1989-90 fishing year. This recommendation was intended to ensure that the bag limits for Spanish mackerel in the EEZ off Florida would be compatible with the bag limit in Florida's waters. The FMFC met May 8-12, 1989, and acted to continue the current 4-fish bag limit for Spanish mackerel applicable to Florida's waters. Accordingly, no changes to the bag limits for Spanish mackerel in the EEZ off Florida are proposed.

The Regional Director initially concurs that the Councils' recommendations are necessary to protect the stocks and prevent overfishing and that they are consistent with the goals and objectives of the FMP. Accordingly, the Councils' recommended changes are published for comment.

Other Matters

This action is authorized by 50 CFR 642.27, and complies with E.O. 12291.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing.

Dated: June 6, 1989.

James E. Douglas, Jr.,
Deputy Assistant Administrator For
Fisheries, National Marine Fisheries Service.

For the reasons set forth in the
preamble, 50 CFR Part 642 is proposed
to be amended as follows:

**PART 642—COASTAL MIGRATORY
PELAGIC RESOURCES OF THE GULF
OF MEXICO AND SOUTH ATLANTIC**

1. The authority citation for Part 642
continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 642.21 [Amended]

2. In § 642.21, the numbers are revised
in the following places as follows:

Paragraph	Removed	Added
(a)(1), introductory text	1.09	1.36
(a)(1)(i)	0.75	0.94
(a)(1)(ii)	0.34	0.42
(a)(2), first sentence	2.60	3.34
(b)(1)	2.31	2.89
(b)(2)	4.40	5.66
(c)(1)	2.85	2.99
(c)(2)	3.04	4.56
(d)(1)	2.15	2.26
(d)(2)	0.96	1.44

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